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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,473	12/07/2004	Johannis Friso Rendert Blacquiere	NL 020482	6122
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EXAMINER				
PATEL, KAMINI B				
ART UNIT		PAPER NUMBER		
2114				
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06/09/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/517,473

Applicant(s)

BLACQUIERE ET AL.

Examiner

KAMINI PATEL

Art Unit

2114

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6-11, 23-32 and 35 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 22 is/are rejected.
- 7) ☒ Claim(s) 5, 12-19, 25-30, 33 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/13/2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on 03/13/2009, in which claim 4 and 37 have been canceled and claims 1-3, 5-36 have been amended and presented for examination.

Claim Objections

Claim 12-21, 25-30 are objected to because of the following informalities: Claim 12 is a system claim depending on claim 6, which is a method claim. System claim can not depend on method claim. Claims 13-19, 25-30 have similar errors. Appropriate correction is required and would be allowable if overcome above mentioned objections.

Allowable Subject Matter

2. Claims 5, 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 6-11, 23-32, 36 are allowed in view of applicant's remarks and prior art of the record.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa (JP 2000-285469).

As per claim 1, Hasegawa discloses a method of writing an optical disc having a multi-layered storage space ([Fig. 1, 0020]) comprising at least a first storage layer ([0020]) and a second storage layer below the first layer ([Fig. 1, 0020]), the method comprising the step of preventing a write operation to a portion of said second storage layer located below a maiden portion of said first storage layer [0022].

Wherein said step of preventing a write operation to a portion of said second storage layer comprises:

Defining said portion as being defective ([0016], where by changing a state permeability second layer 13 is defined temporarily defective).

As per claim 2, Hasegawa discloses a method according to claim 1, wherein writing to the second storage layer is prevented until the first storage layer has been completely written ([0022], [0024]).

As per claim 22, Hasegawa discloses a method according to any one of the claims 1 to 3, wherein a write operation to a portion of the second storage layer is prevented by defining said portion as being occupied ([0016]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa in view of Kato et al. (US 5,923,632).

As per claim 3, Hasegawa discloses a method according to claim 1, comprising the step of allowing a write operation to a portion of the second storage layer if a sufficiently large portion of the first storage layer

(Hasegawa, Fig. 3, [0022], [0024]) where it is confirmed to have first layer write operation completed before starting a write operation on the second layer),

Hasegawa does not specifically discloses overlying said second storage layer portion, has been written at least once, said portion of the first storage layer being smaller than the total first storage layer;

However, Kato discloses the above claim limitations, (Col. 2, lines 10-16);

Therefore it would have been obvious to the one of ordinary skill in the art at the time of invention to incorporate teaching of Hasegawa's method to Kato's method because one of the ordinary skill in the art would have been motivated to accurately reproducing an information signal recorded on a plurality of information signal storage layers of a multi-layer optical disc (col. 3, lines 45-47).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMINI PATEL whose telephone number is (571)270-3902. The examiner can normally be reached on Monday to Thursday, 6am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on 571-272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott T Baderman/
Supervisory Patent Examiner, Art Unit 2114

/Kamini Patel/
Examiner, Art Unit 2114